

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 25-49 are pending in this application. Claims 25 and 27 are independent. The remaining claims depend, directly or indirectly, from claims 25 and 27.

Claim Amendments

Independent claims 25 and 27 are amended for purposes of clarification. Dependent claim 44 is amended to correspond to amendments made in independent claim 27. No new matter is added by way of these amendments, as support for these amendments may be found, for example, in paragraphs [0026]-[0027] of the publication of the present application, US Pub. No. 2006/0186747.

Rejection(s) under 35 U.S.C. § 102

Claims 25-38, 44, 45, 47, and 48

Claims 25-38, 44, 45, 47, and 48 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,034,452 ("Nakamura"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Independent claims 25 and 27 are amended to recite, in part, that the protective outer cover "facilitates variable positioning of the phase connector in relation to a brush holder."

For anticipation under 35 U.S.C. 102, “[a] claim is anticipated only if *each and every element* as set forth in the claims is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicant respectfully asserts that Nakamura fails to disclose the aforementioned feature of the amended independent claims.

Turning to the rejection, with reference to Nakamura, the Examiner asserts that elements 12, 16, and 18 in Figure 1 of Nakamura, collectively, are equated to the phase connector of the claimed invention, and the cover 11 of Nakamura is equated with the protective outer cover claimed. Applicant continues to assert that the nuts, bolt, and bushings of Nakamura are not, in any way, equivalent to a phase connector, as is known in the art. The Examiner contends on page 2 that the phase connector is not well defined in claim 1. Applicant respectfully disagrees. The phrase “phase connector” has special meaning in the art, and should be construed as the tool/instrument that the terms make reference to. Further, under *Phillips*, the Examiner is required to read the claimed limitations in light of the Specification. In particular, “[t]he person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but *in the context of the entire patent, including the specification.*” *See Phillips*, 415 F.3d 1303 at 1313 (Fed. Cir. 2005) (*en banc*) (emphasis added). In the instant case, the Specification clearly discusses a phase connector with respect to a rotating electrical machine in which a coiled stator surrounding the rotor is equipped with several phases. The phase connector therefore connects outlets of *phases* to an exterior electronic module. *See* Publication of present

application, paragraph [0004]. Said another way, a phase connector is the instrument through which various phases of a coiled stator connect to an electronic module. In view of this definition in the Instant Specification, Applicant respectfully asserts that the Examiner's contentions that a phase connector is equivalent to a collective bunch of bolt, nuts, and bushings, continues to be an improper interpretation of the phrase "phase connector."

However, even assuming *arguendo* that Nakamura does disclose a phase connector, Nakamura fails to disclose that the nuts, bolt, and bushings, collectively, are variably positionable with respect to a brush holder. In fact, a complete review of Nakamura reveals that Nakamura does not mention any type of changeable positioning of the nuts, bolt, and bushings shown in Figures 1-3. It logically follows that Nakamura cannot possibly disclose that the cover 11 facilitates such variable positioning of the nuts, bolt, and bushings, with respect to a brush holder, as required by the claimed invention.

In view of the above, the Examiner's contentions with respect to Nakamura fail to support an anticipation rejection of the amended independent claims. Thus, amended independent claims 25 and 27 are patentable over Nakamura. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 25, 27, 28, 31, 33, and 39-41

Claims 25, 27, 28, 31, 33, and 39-41 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Publication No. 2001/0054853 ("Hayashi"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, independent claims 25 and 27 are amended by this reply to recite that the protective outer cover facilitates the variable positioning of the phase connector in relation to a brush holder. Applicant respectfully asserts that Hayashi fails to disclose the aforementioned feature of the independent claims.

Initially, Applicant respectfully asserts that the Examiner has failed to address any of the previous arguments present with respect to Hayashi. Therefore, Applicant respectfully incorporates the previous arguments filed in the response dated October 23, 2008, into this reply. Specifically, the Examiner failed to provide a detailed rejection of the independent claims with respect to Hayashi, and also failed to refer directly to the portions of Hayashi relied upon to reject specific limitations of the claims, as requested by the Applicant in the previously filed response. In addition, the Examiner failed to address the argument that Hayashi fails to disclose the limitation “wherein the phase connector and the protective outer cover are the same part.” In fact, Hayashi clearly discloses a separate phase connector (*see* Hayashi, Figure 2, element 9). This argument was previously presented, but not responded to by the Examiner. Thus, Applicant continues to assert that Hayashi fails to disclose both a phase connector and a protective outer cover that are the same part.

In addition, Hayashi fails to disclose that the protective outer cover facilitates variable positioning of the phase connector with respect to a brush holder. In fact, Hayashi fails to contemplate a variably positionable phase connector.

In view of the above, the Examiner’s contentions with respect to Hayashi fail to support an anticipation rejection of the amended independent claims. Thus, amended independent claims 25

and 27 are patentable over Hayashi. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claims 42 and 43

Claims 42 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of US Patent No. 4,841,182 ("Tsuchiya"). To the extent that this rejection still applies to the amended claims, this rejection is respectfully traversed.

As described above, Hayashi fails to teach or suggest the limitations of amended independent claims 25 and 27. Further, Tsuchiya fails to supply that which Hayashi lacks. Specifically, Tsuchiya also fails to teach or suggest protective outer cover facilitates variable positioning of the phase connector with respect to a brush holder. In view of the above, it is clear that amended independent claims 25 and 27 are patentable over Hayashi and Tsuchiya, whether considered separately or in combination. Dependent claims 42 and 43 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 46 and 49

Claims 46 and 49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of US Patent No. 6,424,065 (“Vlemmings”). To the extent that this rejection still applies to the amended claims, this rejection is respectfully traversed.

As described above, Nakamura fails to teach or suggest the limitations of amended independent claims 25 and 27. Further, Vlemmings fails to supply that which Nakamura lacks. Specifically, Vlemmings fails to teach or suggest protective outer cover facilitates variable positioning of the phase connector with respect to a brush holder. In view of the above, it is clear that amended independent claims 25 and 27 are patentable over Nakamura and Vlemmings, whether considered separately or in combination. Dependent claims 46 and 49 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17170/010001).

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Respectfully submitted,

By 

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